IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

WRIT PETITION NO.7045 OF 2007
(Disposed of)

Rasiklal s/o Laxmichand Sangharajka Petitioner

versus

The State of Maharashtra and others. Respondents

Shri V.S.Bedre, Advocate, for the petitioner.
Shri D.V.Tele, A.G.P. for Respondent No. 1.

Coram: S.B.Deshmukh and
Shrihari P.Davare, JJ.

Date : 29th October, 2010

COURT ORDER (Per: Shrihari P. Davare, J.)

01. We have heard Shri V.S.Bedre, learned counsel for the Petitioner, as well as Shri D.V.Tele, learned Asstt. Govt. Pleader for Respondent No.1. We have also perused the communication dated 11.10.2010 addressed by the Assistant Charity Commissioner, Ahmednagar Region, Ahmednagar, to the Registrar (Admn.), Aurangabad Bench, requesting for extension of time of two months to dispose of change report No.750 of 2003, as well as we have perused the submission made by the Registrar (Judicial) in that regard.

02. It appears that the petitioner, namely, Rasiklal Laxmichand Sangharajka filed above Writ Petition No.7045 of 2007, praying for directions to Respondent No.2 i.e. Assistant Charity Commissioner, Ahmednagar Region, Ahmednagar, to hear and dispose of change report Nos. 557/2003, 750/2003 and 1366/2004, which were pending before him, within stipulated time.

03. It is informed that the said writ petition was disposed of on 24.4.2007, with observations and expressing confidence that Resp.No.2 shall proceed as fast as possible, although no time limit was prescribed, to decide and dispose of the aforesaid change reports. However, although substantial period of 8 months was lapsed from the date of disposal of the said writ petition and since there was no decision on the aforesaid change reports, this court directed Respondent No.2 on 12.12.2007 to decide and dispose of the above referred change reports within the period of six months from the said date.

04. However, it appears that Respondent No.2 failed to comply with the aforesaid directions and, therefore, present petitioner filed Contempt Petition No.186 of 2009 before this Court, wherein Respondent No.2 herein appeared

and filed affidavit-in-reply stating that all the change reports were placed for judgments on 18.2.2010 and hence, in view of said statement made by Respondent No.2 in the affidavit in reply, said contempt petition was disposed of, on 25.1.2010. It also appears that since the change report No.750 of 2003 is still pending before Respondent No.2 for decision, the petitioner herein filed another contempt petition (stamp) No. 32775 of 2010 before this Court.

05. It further appears that Respondent No.2 sought various extensions of time and by way of present communication dated 11.10.2010 sought sixth extension to decide and dispose of the change report No.750 of 2003 within the period of two months.

06. We have taken note of the reluctance and laxity on the part of Respondent No.2 in deciding the change report No.750 of 2003 and we do not approve the delay caused by Respondent No.2 in deciding the same, more particularly considering the age of the petitioner which is almost 80 years, and with the said observations we direct Respondent No.2-Assistant Charity Commissioner, Ahmednagar Region, Ahmednagar, to conduct the hearing of change report No.750 of 2003 on day-to-day basis as far as possible, and to decide the same expeditiously not later than 30.11.2010.

We make it clear that the aforesaid extension of time has been granted to Respondent No.2, as last chance.

07. Registrar (Judicial) to communicate aforesaid order to Respondent No.2 and seek compliance thereof, scrupulously.

(SHRIHARI P. DAVARE, J.) **(S.B.DESHMUKH, J.)**

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